

**Insurance Department
Review Requirements Checklist**

Warranty/Service Contracts

REVIEW REQUIREMENTS	REFERENCE	COMMENTS
FORMS		
Applications		
Incorporated by reference	31A-21-106	Except as provided in this subsection an insurance policy may not contain any agreement or incorporate any provision not fully set forth in the policy, in an application, or other document at the time of delivery
Arbitration		
Permissible Arbitration	R590-122 – Bulletin 96-7	Policies that contain a binding arbitration provision are permitted, however mandatory binding arbitration may preempt an insured's access to some courts. See actual rule for disclosure statement
Bankruptcy Provision		
Failure to Perform	31A-6a-104	All service contract reimbursement insurance policies insuring service contracts issued, sold, or offered for sale in this state must conspicuously state that, upon failure of the provider to perform under the contract, the issuer of the policy shall pay on behalf of the provider any sums the provider is legally obligated to pay or shall provide the service which the provider is legally obligated to perform, according to the provider's contractual obligations under the service contracts issued or sold by the provider.
Cancellation & Non-renewal		
Terminations of insurance policies by insurers (Cancellations)	31A-6a-104(10) - 31A-21-303 – Bulletin 96-7	Non payment cancels need 10 days notice after delivery, Cancellation for acceptable grounds (see code for breakdown) need 30 days notice after delivery, Cancellation in the 1 st 60 days need a 10 day notice after delivery.
Terminations of insurance policies by insurers (Non-Renewals)	31A-6a-104(10) - 31A-21-303 – Bulletin 96-7	Non-renewal notices need 30 days notice, Renewals need no more than 45 days but no less than 14 days prior to the due date of the renewal premium (see code for requirements). If insurer offers or purports to renew the policy, but on less favorable terms or at higher rates, the new terms or rates take effect on the renewal date when sent by first-class mail at least 30 days prior to expiration.
Filing Standards		
Filing of forms	31A-6a-103- Rule R590-225	Service contracts may not be issued, sold, or offered for sale unless a true and correct copy of the service contract and the provider's reimbursement insurance policy have been filed with the commissioner. Copies of contracts and policies must be filed no less than 30 days prior to the issuance, sale offering for sale, or use of the service contract or reimbursement insurance policy in this state. Each modification of the terms of any service contract or reimbursement insurance policy must also be filed 30 days prior to its use in this state. Each filing must be accompanied by a filing fee as required under Subsection 31A-3-103 , or the filing shall be rejected.
Punitive Damages		
U/W limitations	31A-20-101– Bulletin 96-7	No insurer may insure or attempt to insure against punitive damages
Loss Settlement		
Unfair claim settlement practices	31A-26-303	No insurer or person representing an insurer may engage in any unfair claim settlement practice. Claim settlement practices may not be misleading, deceptive, unfairly discriminatory, overreaching, or an unreasonable restraint on competition (see code for detailed unfair practices)
Unfair Property, Liability & Title Claims Settlement	R590-190	Minimum standards for the investigation and disposition of property, liability and title claims arising under contracts or certificates issued to residents of the State of Utah
Notice and proof of loss	31A-22-203, Bulletin 87-6	This statutory provision, in effect, allows unlimited time period for filing notice and /or proof of loss – as long as the claimant shows it was not reasonably possible to file the notice and/or proof of loss within the time period.
RATING		
Pricing		
Rate Standards	31A-6a-103	Rates are exempt from filing
General Filing References		
Procedures for the submission of property and casualty Rate, Rule and	Rule R590-225	See Rule

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Form filings		
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